

PRIORITY

(Security Classification)

FOREIGN SERVICE DESPATCH

FROM : Ambassador TEHRAN

383

DESP. NO.

December 19, 1959

TO : THE DEPARTMENT OF STATE, WASHINGTON.

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SUBJECT: Foreign Minister Aram's Statement on the Shatt-al-Arab Dispute and Recent Relative Events.

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MR. ARAM'S STATEMENT:

On December 10, 1959 Abbas ARAM, the Iranian Minister of Foreign Affairs, replied in the Majlis to a question concerning the Iranian position on the Shatt-al-Arab river posed by Dr. Abdol Hosein MOSHIR-FAZELI, Deputy from Isfahan on December 6, and tabled for explanation by the Foreign Minister. An unofficial translation of the statement is enclosed. Mr. Aram's main point was that the Iranian Government wants the Iraq-Iran border re-established at the thalweg of the Shatt-al-Arab river instead of the low water mark along the Iranian side.

PRESENT IRANIAN POSITION:

Essentially the Iranian position, as developed from this statement and from discussions between Ambassador Wailes and Mr. Aram, and between the reporting officer and Mr. Soltan Hosein SANANDAJI, Acting Chief of the First Political Division, Ministry of Foreign Affairs, now seems to be as follows:

- (1) Iranians are now more inclined to base their case for an equal voice in the Shatt-al-Arab river on Iraqi-inspired grievances, claiming that it is the Iraqis who are being unreasonable;
- (2) therefore, the Iranians say they have no choice except to consider that the Iraqis themselves have abrogated the 1937 Treaty which
- (3) makes it incumbent upon them to fall back on the conclusion that the Iran-Iraq boundary on the Shatt is henceforth established at the thalweg. This course, they maintain, is in conformity with the principles of international law.

The present Iranian position seems to have shifted from one of trying to talk the Iraqis into implementing Article 5 of the 1937 Treaty, with a view to concluding an agreement on the various points at issue, to one of trying to gain acceptance that the treaty is null and void. As stated, they want the border to be established at the thalweg.

E. Scholtz/12/24/1959/afso

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The Embassy does not, however, discount the possibility that the Iranian Government might return to its former position, if: (1) the Iraqis adopt a more conciliatory attitude; (2) they express a willingness to implement Article 5 of the 1937 Treaty, along with (3) making a friendly gesture, as for example, saying they have no further objection to the use by Pan American Oil Company of the port of Khosroabad. Neither the Iranian Government nor the Embassy is optimistic, however, that this contingency will happen. The Iranians claim, too, that their patience is almost exhausted, but emphasize that they wish to find a peaceful solution.

PARLIAMENT'S REACTION

Iraqi Prime Minister Cassin's statement, and Iraqi policy, in general, have been assailed in Parliament. Majlis Deputies have referred to Iraq's claim with a certain amount of scorn. They refer to Iran's being the first nation to recognize the Iraqi regime; they say Iraq's claims are highly presumptuous, coming from this young country whose territory, including Basra and Baghdad, they describe as having belonged to Iran as recently as 150 years ago. Others deplore Iraq's rejection of Iran's brotherly love and cite such examples of the latter as Iran's declining of a League of Nations offer to assume the trusteeship of Iraq after World War I, and more recently, Iran's endeavors to solve its outstanding problems with both Iraqis and Cassin's regimes. Still others cite the tie of common religion, the benefits Iraq has derived from the yearly pilgrimage traffic to Kerbela, Najaf, and Kazemain, and the bounty collected additionally by Iraq from shipping to Iranian ports, as examples of reasons why Iraq should be sympathetic to Iran's interests in this matter.

Prior to the Foreign Minister's speech, the Government's policy was criticized publicly by some deputies as being too meek and mild. Deputy Mohamed Hosein ESTAKHR of Shiraz summarized this feeling with a quotation from Saadi, saying "If you speak mild words with a fool, you but increase his pride and haughtiness." Expressions of feeling such as the foregoing, however, have been balanced by statements of general regret and a hope for the solution of this issue on the basis of genuine amicability and understanding.

Parliamentary reaction to the Foreign Minister's speech was muffled somewhat by preparations for the arrival of President Eisenhower, as was speculation in the press about the significance of the return from Baghdad of Iranian Ambassador Amanollah ARDALAN. It appears, however, the immediate consensus was that the Foreign Minister had presented a well-reasoned reply to the Iraqi Prime Minister's statement, and that the Government's assurances of firm resolve for the preservation of Iranian rights were in harmony with expectations.

Tehran press reports of December 17 concerning the death of an Iranian farmer, described as shot and killed on the Iranian bank of the Shatt-al-Arab by gunfire from a passing Iraqi motor launch, provoked new indignation in some papers, and new criticism by Deputy Estakhr in a speech to the open session of the Majlis on December 17.

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According to Kayhan International, Mr. Estakhr called the Deputies' attention to the Foreign Minister's speech of December 10 and went on to declare that one of the greatest mistakes had been recognition of the unstable new Iraqi regime, especially as this recognition followed so soon after the revolting murders in Baghdad, which so shocked and hurt Moslems all over the world.

Deputy Estakhr's remarks were reported in the Tehran Journal as follows:

- (1) The situation between Iran and Iraq has passed the stage of complaints and protests, and it is high time the Government of Iran revises its position in that neighboring country.
- (2) The Deputy reportedly stated that he did not know in what status Iraq should be held by a foreign country since the position of Brig. Gen. Qassim was not quite clear to the outside world. The claim laid by Qassim on a portion of Iranian territory clearly indicates that the relationship between the two countries has changed and it is about time the position is reviewed by Iran.
- (3) Only recently Iraqi frontier guards murdered an Iranian peasant on Iranian soil. This act in itself has ruptured the ties of friendship between the two countries.
- (4) Tracing the history of the origins of the peoples of Iraq and Iran, the Deputy told the House that these two peoples were from two different stocks and, therefore, could not be referred to as "brothers".
- (5) The killings and shootings along the border cannot be tolerated. The Deputy stated that although he was not complaining against the attitude adopted by the Government of Iran, it was high time that firm action be taken. "We cannot sit back and watch these atrocities being committed by a people who have only recently come into power."

FOREIGN MINISTER ARAM'S REMARKS TO AMBASSADOR WAILLES:

As an indication of current Iranian thinking, Mr. Aram asked the Ambassador if Iraq had agreed to abide by World Court decisions. He also requested the Ambassador to obtain, if possible, the Department's reaction to the enclosed statement to the Majlis. (Note: It would, therefore, be helpful and appreciated if the Department would send a brief telegram concerning both these points, following receipt of this despatch.) ~~END CONFIDENTIAL~~

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On December 13 the Foreign Minister talked again with Ambassador Wailles and expressed real concern over recent developments in the Shatt-al-Arab. After stating that since he had not had the opportunity to talk with the Shah for several days, the views which follow were to be considered personal rather than official, Mr. Aram made the following points:

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- (1) Previous claims and statements by Cassim could perhaps be partly excused on internal political grounds and as being made for internal consumption.
- (2) Now, however, the Iraqi Foreign Minister's claims to Khorramshahr are more serious, even though he was probably ordered by Cassim to take this step.
- (3) The people, press and Government of Iran are taking this matter most seriously, and he hoped that we could find some way of bringing this fact to the attention of the Iraqi Government.
- (4) He is also disturbed that the Iraqi Ambassador, who seemed to be a reasonable person, had gone home some months ago, and has not returned. If he is going into politics, shouldn't the Iraqi Government send someone else in his place, as this was the time for good diplomatic representation?
- (5) The Iranian Ambassador to Iraq is old, and without hurting his feelings, Mr. Aram hopes to be able to replace him in the near future with a more effective representative.

The Foreign Minister and Ambassador Wailes then discussed the possibility of using the United Nations in this matter, an idea which the Ambassador discouraged on the grounds that it might then develop into a broader East-West issue. ~~END SECRET~~

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AMBASSADOR ARDALAN RETURNS:

Iranian Ambassador Amanollah ARDALAN, recalled from Baghdad for consultation, returned to Tehran December 11 and was later reported received in audience by the Shah. He is said to have told reporters that he could add nothing to what the Foreign Minister had already told the Majlis about the state of Iran-Iraq relations. Press speculation included the surmise that the Ambassador's recall was in part a protest against Iraq's claim to Iranian territory in the Shatt and that he would not be returning to Baghdad unless relations improved perceptibly.

MR. SANANDAJI'S COMMENTS

On December 17 the reporting officer called on Mr. Sanandaji, the Chief of the First Political Division, following the report in the press that "Iran may cut relations with Iraq" and after Khorramshahr had been claimed by an Iraqi Foreign Office spokesman, who also criticized the Shah and Aram.

Sanandaji's remarks are summarized below:

- (1) Sanandaji denied that Iran may sever ties with Iraq.

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- (2) He said that Ambassador Ardalan probably would not return and, in this connection, added that maybe his brother in Washington would be recalled and the Ardalan boy working in the Port Directorate would be fired.
- (3) He reiterated that the Iraqi Government through its Foreign Office had issued a statement claiming Khorranshahr, attacking the Shah and Aran, and accusing Iran of violating all sorts of things in the Shatt region.
- (4) He remarked that the incidents occurring last week on the Shatt were of a more serious nature than previous ones, emphasizing that Iran's patience was not unlimited. Iranians cannot be killed without strong reaction from the Iranian Government. Even if there are smugglers involved, Iraqis cannot take unilateral action against Iranians.
- (5) Sanandaji emphasized that Iran wants the border set at the thalweg. Iran has almost given up trying to get the Iraqis to implement Article 5 of the 1937 Treaty. In the past ten months they have asked the Iraqis to implement Article 5 at least ten times in formal notes to which the Iraqis always answer that they are too busy with their internal problems and do not have the time now.
- (6) He added that he had advised his Government to abrogate the Treaty on the basis that the Iraqis have already done so. He believes Iran should prepare for difficulties if they arise. He does not look for precipitate action and assures us that, if it comes, it will not be started by Iranians. If the Iraqis are stupid enough to start something and cut off their sole port from the outside world, the Iranians will be forced to answer force with force. He does not predict that the Iraqis will start serious shooting, but does not overlook the possibility.
- (7) He commented that the only thing the Arabs understand is force. They are ruthless in victory and humble in defeat. At the Suez they taught the Persians how to block a waterway. In answer to the question, "How?", he replied: "We will sink a ship at the mouth of the Shatt."
- (8) Sanandaji reiterated that the Abadan refinery is not so important to the Iranians, and they would forego its production and make arrangements to utilize other ports, e.g. Bandar Mashur. He also mentioned that Iran could use other Iranian ports and the Iraqis had none other than Basra.
- (9) He accused the Soviets and the British of aiding and abetting the Iraqis. He was particularly puzzled about the British attitude in Baghdad. Sanandaji was resentful of their taking Cassim's side in this dispute and trying to maintain the status quo in Iraq at the expense of their Iranian allies. The Soviets, he admitted, might gain by an Iran-Iraq altercation, but he reasoned that, if it

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remained a local dispute, there was nothing to fear. If not, then it would be out of Iranian hands and in the United Nations. In this event, the Iranians feel they have right on their side. He was pleased with the foreign press attitude on this dispute.

- (10) Sanandaji disclosed that Aram ^{was} seeing the Shah that day to discuss the matter. He had advised Aram that Iran should abrogate the Treaty of 1937. (Note: Apparently Aram did not, however, see the Shah.)
- (11) He said that Iran would happily revert to trying to get the Iraqis to negotiate peaceably on this question. Iranians want to avoid precipitate action. But how can these talks begin, he asked? He believes that time is running out and in five or six weeks' time the situation may be that the Iraqis will start something. If anyone has any ideas on how the peaceful negotiations can be arranged, Iran is ready to do its part." I can tell you informally we are ready to negotiate on the basis of Article 5, but are the Iraqis? That is the question."

IRAN SENDS REINFORCEMENTS TO KHUZESTAN

According to the press, an armored brigade has been dispatched to Khosroabad and the Iranian Navy is on the alert.

According to Embassy sources, however, the IIA sent an artillery battalion and anti-aircraft battalion, altogether numbering about a thousand men which has been sent to the area from Kermanshah.

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COMMENT

As the result of Premier Qassim's statement, which is reviewed in detail in Aram's Parliamentary reply, the Iranian Government has reacted in an expected manner by retaliating and expressing more strongly its views. A battle of words seems to have begun which makes negotiations -- were they to be held -- more difficult. Tensions over this dispute have been definitely heightened. It is unfortunate that Premier Qassim chose this time to express his concern because the Iranian Government had apparently come to the decision not actively to push its program for an equal voice in the Shatt. In fact, the leading "young Turk" behind the Iranian movement, the ebullient Mr. Sanandaji, was almost on the point of refusing an assignment to Basra, Iraq and of resigning his post as head of the division dealing with Arab affairs in the Foreign Office, when Premier Qassim made his speech. As a consequence, Mr. Sanandaji's stock has gone up appreciably. This is primarily because of: (1) Mr. Sanandaji's well-known, strong, persistent pro-Iranian stand, which the Government is now forced to support; (2) the fact that he is a fairly influential person from a well-known family; (3) the fact that he is well-informed on the subject; and (4) the realization that, if the Government were to force him out, it would be a repudiation of its present stand.

Nevertheless, the Embassy still believes that the Iranian Government is anxious to settle this dispute in a peaceful manner and wishes to avoid precipitate action in the question of the Shatt-al-Arab River.

The Iranian Government would welcome any suggestions in this connection.

The introduction of reinforcements into the area heightens the possibility that precipitate action might occur -- even accidentally by some "trigger-happy" soldier or by a local commander without orders from Tehran.

The Ambassador feels that United Nations presentation might embarrass the United States Government in that it would be forced to take sides, or abstain, neither of which is an attractive alternative for us.

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Tehran

In this connection, it is noted here that one of the possibilities mentioned in the press is to refer the case to the International Arbitration Court at The Hague.

In this regard, the Embassy notes that the British Foreign Office study entitled "Legal Implications of the Treaties Governing the Shatt-al-Arab" (Enclosure No. 2 of London's Despatch No. 2042 of December 2, 1959, paragraph 9) notes that neither the Iranians nor the Iraqis have entered into an acceptance of the compulsory jurisdiction of the Court. This study also contains some pertinent thoughts regarding the presentation of this dispute to the United Nations. ~~END SECRET~~

For the Ambassador:



Robert R. Schott

Second Secretary of Embassy

Enc: Mr. Aram's Statement
(UNCLASSIFIED)

DEPT PASS ACSI, Dept. of Army, Washington

cc: AmEmbassy London
Baghdad
AmConsulates Basra
 Khorramshahr
OR Mashhad
 Tabriz
 Isfahan

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Honourable Gentlemen,

In view of the fact that the Iraqi Prime Minister's statement has not been fully reported in the press, I shall first read the translation of the full text of the statement as sent by the Imperial Iranian Embassy in Baghdad. Here is the translation of the Iraqi Prime Minister's statement concerning the Shatt-al-Arab:

"...It is not possible for us to relinquish any matter or right of ours. Should an event arise to necessitate a quarrel, a fight or rivalry, we shall strive for a peaceful solution. We have sufficient military, material and moral strength at our disposal to maintain our position as far as preserving our rights and strengthening the peaceful solutions are concerned.

"Some may ask questions about the frontier problems between ourselves and the friendly and neighbourly Government of Iran. Such problems do arise between neighbours. Such quarrels and claims are settled on the bases of peaceful principles. We shall not accept the intervention of another government between us. We shall not accept any other government's pressure on us.

"In 1936 or 1937, during the government of the late Biker Siddi and his colleagues, Hikmat Sulaiman officially took over the revolutionary government which followed the military coup d'etat. (At that time) the Iraqi Government was put under heavy pressure, and because the situation became complicated, it gave five kilometers of the Shatt-al-Arab to our neighbour Iran. This was a gift, not an acquired right.

"The five kilometers facing Abadan was given only to be used by the oil companies so that they may not pay Iraqi taxes. Iraq awarded the five kilometers to Iran when it was in a complicated situation and under pressure. Iran had no right in this connection. Iraq hoped that the border issues would be settled, but neither these nor other issues have been settled. If these issues are not settled in future, we shall not remain committed to the award of these five kilometers and shall return them to the Motherland."

This was the translation of the statement and the claim of the Iraqi Prime Minister.

Honorable Gentlemen,

This claim is so baseless and so contradictory with international law and historical records that we need no reasoning or explanation to reject it. Nevertheless, I take this opportunity to make a brief statement in order to inform world public opinion of the truth of the matter and to show how the Iraqi Prime Minister has attempted to distort facts.

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At the beginning, I must point out that during the past three centuries when the question of the Iran-Ottoman border had been the subject of debate and dispute, the Iranian Government at no time was prepared to give up even one iota of its rights over the Shatt-al-Arab both from a frontier demarcation and shipping point of view. During these three centuries - that is, as long as the Ottoman Government was our neighbour - four agreements were concluded on border disputes between the government of Iran and the Ottoman Empire.

The first was concluded in 1049 (Arabic calendar); the second in 1159; the third in 1238 and the fourth in 1263. The last two agreements came to be known as the first and second Erzerum Agreements. In neither of these was the question of Iran or Ottoman sovereignty over the Shatt-al-Arab clarified because the question has always been subject to international and universal laws and regulations and action has always been taken accordingly.

An interesting point is that even Sir Arnold Wilson - who was the British representative in the 1913 Demarcation Commission composed of the representatives of Iran and the Ottoman Empire as well as the two mediatory Powers, Britain and Russia- says in his book entitled "Iran":

"The attitude adopted by the Iranian and Ottoman Governments from the beginning on shipping, and perhaps much earlier, on the Shatt-al-Arab, was that common sovereignty was exercised in the Shatt-al-Arab to the point where both banks of the river become Ottoman territory."

You will note that the Ottoman Government had recognized the common sovereignty of Iran over the Shatt-al-Arab. This practice continued until the end of the First World War. We all remember the events that took place in this area during the war. There is no need for explanation or elaboration.

When the situation arising from war conditions ended, things returned to normalcy, order was established in Iran and the Central Government in Iran took power into its own hands. Iran, in keeping with its overall foreign policy which was the creation and strengthening of friendly relations with all its neighbours attempted to establish friendly and good-neighbourly relations with the newly-created Government of Iraq.

Particularly in 1935, when the question of the conclusion of the Saadabad Treaty came to the fore, the two governments initially decided to settle the demarcation problem which had confronted Iran and its neighbour for several centuries. Of course, the Iranian Government considered the demarcation to be on the dividing line of the Shatt-al-Arab river, as it

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had always done in accordance with international principles. It insisted on it. Finally after prolonged and detailed talks, and in order to remove the dispute and thereby pave the road for the strengthening of the ties of amity between the two nations, Iran agreed to sign the 1937 treaty, in spite of the fact that the treaty did not protect all the legitimate rights and interests of Iran and that it was more in the interest of Iraq.

Thus, the statement of the Iraqi Prime Minister that they have awarded part of Shatt-al-Arab to Iran is not only utterly baseless but exactly contrary to the facts because, according to international laws, the thalweg, or the river-bed line, which has been recognized as the border opposite Abadan should be recognized as the border line across the entire Shatt-al-Arab.

Of course, in this treaty the equal rights of Iran and Iraq in connection with shipping and management of the Shatt-al-Arab have been most explicitly recognized in Article 4, which I shall read here:

"Article 4 - The following regulations shall govern the Shatt-al-Arab from the point where the borders of the two countries reach the river to the point where it enters the Gulf:

a) The Shatt-al-Arab shall be equally open to the merchant ships of all countries. All the receipts shall be considered as commission dues and shall be - solely and justly spent on the maintenance of the river shipping, the improvement of navigation in the river and at the estuary and any other projects beneficial to shipping.

The said dues shall be collected on the basis of the official tonnage or displacement, or both, of the ship.

b) The Shatt-al-Arab shall be open to the warships and other non-merchant ships of both sides."

Article five, which I here quote, precisely regulates the exercise of these equal rights:

"Article 5 - In view of the common interests of the two contracting parties in the shipping on the Shatt-al-Arab, as specified in Article 4, they undertake to conclude an agreement concerning the maintenance and improvement of shipping, dredging, navigation lights, collection of dues, health measures and anti-smuggling, as well as all matters related to navigation on the Shatt-al-Arab as specified in Article 4."

In Article 2 of the protocol, which is an integral part of the treaty, it is provided that the agreement referred to in Article five should be concluded within one year from the signature of the treaty.

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Gentlemen, we should no longer hide the facts. Twenty-two years have now passed since then. In spite of the repeated reminders and insistence of the Imperial Government and the submission of a draft agreement for the implementation of Article 5, the Iraqi Governments both at the time when we were pact-partners and afterwards have procrastinated by resorting to excuses and unjustified reasons completely contrary to the implicit provisions of the treaty. They have never fulfilled their repeated promises of sending delegations to Iran to settle the matter. They have kept the administration of the Shatt-al-Arab unilaterally and illegally in their hands.

The Iranian Government has settled all its border disputes with all its neighbours, i.e., the Soviet Union, Turkey, Afghanistan and Pakistan. Why is it then that the protracted Iran-Iraq border problems have remained unsolved for twenty-two years in spite of the insistence and endeavours of Iran? Is there anyone responsible for it except the Iraqi Government?

Honourable Deputies, over 75 percent of the shipping in the Shatt-al-Arab is connected with Iranian ports. At present, the Iraqi authorities charge each ship certain sums as various dues. The Iraqi Government unilaterally collects these sums, which, in accordance with the explicit provisions of the treaty, should be spent with mutual agreement solely for the maintenance and improvement of shipping in the Shatt-al-Arab, and spends them on other matters which are in no way connected with Shatt-al-Arab shipping. According to official figures in the country's budget for the 1959 financial year, out of ID 1,395,500 revenue from the Shatt-al-Arab, only ID 549,550 has been spent on the maintenance of the Shatt-al-Arab and the balance, ID 845,950, has been spent on other matters.

Gentlemen, since Iran provides for more than 75 percent of the Shatt-al-Arab revenues, it is not unfair for us to claim that Iran should have the same proportion of river administration. Nonetheless, to prove our goodwill once again in this vital matter, we agreed to exercise only our equal rights under the provisions of the treaty with Iraq, and to hand over the administration of the Shatt-al-Arab to a joint Iran-Iraq board. Unfortunately, in spite of all our good will, the Iraqi Government not only has not agreed so far to respect the obvious rights of Iran, but - especially since the establishment of the present regime - has daily created new difficulties and obstacles in the Shatt-al-Arab. Parallel with these the Government has taken other unfriendly acts against Iran which are outside the scope of this statement.

I am indeed very sorry to note that this unfriendly attitude comes from a Government which Iran was one of the first countries to recognize and towards which Iran has shown goodwill on many times.

The world should know that the reason why Iran has, from the establishment of the present government to this day, refrained from bringing any

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pressure to bear upon Iraq in order to demand its legitimate rights, has been only because of its regard for its historical ties and friendship with the Iraqi people and because of the abnormal internal situation of Iraq.

But there is a limit to Iran's patience. The continuance of the Iraqi Government's attitude - a regrettable example of which is the recent statement of the Iraqi Prime Minister - will force us to reconsider our policy and to take the steps we consider necessary in order to safeguard our rights and interests. Both the attitude of the Iraqi Government since the conclusion of the treaty and the statement of the Prime Minister of the country are clear proof of their disregard of international commitments as well as the contravention of the treaty under discussion.

Gentlemen, the Iraqi Prime Minister has also spoken of the principles of international law in his illogical statement. I am happy about his reference to the principles of international law because under these very laws the practice in connection with international frontier rivers is to accept either the centre line or the river bed line as the border. Nowhere in the world is a navigable river between two countries as large as Shatt-al-Arab managed by one side which unilaterally collects all the revenue.

It is indeed a source of astonishment and regret that a country which is a friend and a neighbour should collect and use as it wishes great revenues from this common river, then to have claims against the country whose rights have been trampled upon and to talk of awards and grants.

Fortunately, there exists the United Nations Organization whose principles are observed by all; and which is considered by all the only guarantee for continuation of peace and the prosperity of mankind. In the face of this organization, is it not a source of utmost surprise and regret that the head of a friendly and neighbouring country should make a statement contrary to the principles of international law and to allude to armed forces?

Honourable Gentlemen, I declare most explicitly in this sacred place that the Imperial Government of Iran, as the Iraqi Government has been repeatedly reminded, has safeguarded and will safeguard all its rights in the Shatt-al-Arab and is determined to exercise them.

Moreover, Iran will strongly insist on an investigation of its past claims, will take practical steps to gain its rights and will not allow any right of the Iranian nation to be trampled upon or lost. Once again, by way of emphasis, I consider it necessary to point out that Iran will not accept any border of the Shatt-al-Arab as compatible with the principles of international law except the thalweg.

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